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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/194,700	03/04/99	WIDLUND	U 000515-141
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EXAMINER

KIDWELL, M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 09/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/194,700

Applicant(s)

WIDLUND, URBAN

Examiner

Michele M. Kidwell

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDDNEED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2000.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## **DETAILED ACTION**

**This is the second office action for serial number 09/194,700, entitled  
ABSORBENT ARTICLE HAVING IMPROVED SURFACE PROPERTIES, in answer to  
Response filed on June 22, 2000.**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 10 and 13 – 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "508" has been used to designate both a crotch edge and a crotch portion. Correction is required.

### ***Claim Objections***

Claim 15 is objected to because of the following informalities: the claim reads that the shaping member "comprising", however, the claim would read clearer as the shaping member **comprises**. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 6, 9 and 13 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Olsen et al. (US 5,591,150).

As to claim 1, Olsen teaches an absorbent article comprising a liquid-pervious surface layer, a liquid-impervious surface layer, and an absorbent body enclosed between the two surface layers, wherein the article further exhibits a wetting region, which is the region of the liquid-pervious surface layer which is intended to first be wetted by body fluid emitted to the article, wherein the liquid-pervious surface layer within the wetting region is constituted of hydrophilic absorbent material, at least at the surface of the liquid-pervious surface layer which is intended to be facing the user during use, and that remaining parts of the liquid-pervious surface layer are constituted of a hydrophobic material as set forth in col. 2, line 67 to col. 3, line 23 and in col. 7, lines 60. Since Olsen discloses that the topsheet layer may be rendered hydrophilic as set forth in col. 7, lines 52 – 54, it would then be obvious that the topsheet, before the addition of surfactant, is hydrophobic.

With respect to claim 2, Olsen discloses an absorbent article wherein the article exhibits a hump, projecting from the liquid-pervious surface layer, wherein the location

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of the hump on the article at least partially coincides with the wetting region as set forth in figures 1, 3 and 4 and in col. 10, lines 25 – 27.

Regarding claims 3 and 4, Olsen teaches an absorbent article wherein the hydrophilic material in the liquid-pervious surface layer primarily consists of hydrophilic, absorbent fibers and/or hydrophilic, absorbent foam material as set forth in col. 16, line 50 to col. 17, line 9. Olsen teaches that the insert may be comprised of suitable blends of the types of materials described which would include foams and absorbent materials.

As to claims 5 and 6, Olsen discloses an absorbent article wherein the hydrophobic material in the liquid-pervious surface layer primarily consists of hydrophobic fibers and/or hydrophobic foam as set forth in col. 7, lines 21 – 36.

As to claim 9, Olsen discloses an absorbent article wherein the hydrophilic material in the liquid-pervious surface layer is constituted of a hydrophobic material which has been rendered hydrophilic as set forth in col. 7, lines 52 – 60.

Regarding claim 13, Olsen teaches an absorbent article wherein the article comprises a shaping member (“X” shaped flat insert) which, by means of influence from the forces which the article is subjected to during use, has the ability to bring the wetting region into contact with the mucous membranes of the user as set forth in col. 21, lines 36 – 49.

With reference to claim 14, Olsen teaches an absorbent article wherein the shaping member is comprising compressions or folding notches as set forth in col. 11, lines 49 – 52.

As to claim 15, Olsen discloses an absorbent article wherein the shaping member comprises an insert as set forth in col. 21, lines 35 – 39.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen as applied to claims 1 – 6, 10 and 13 – 15 above, and further in view of Nishino et al (US 5,449,352).

As to claim 7, Nishino discloses an absorbent article characterized in that the liquid-pervious surface layer comprises a laminate of a first liquid-pervious, hydrophobic material layer arranged closest to the absorbent body, and a second liquid-pervious, hydrophilic material layer, of substantially the same extension as the wetting region of the article, arranged outside the first material layer and intended to bear on the body of the user in the wetting region during use as set forth in col. 6, line 63 to col. 7, line 21. It would be obvious to one of ordinary skill in the art to combine the device of Olsen with the invention of Nishino in order to develop a more effective absorbent article since both inventions are within the same field of endeavor.

As to claim 8, Nishino teaches an absorbent article meeting all of the limitations of claim 7 wherein the hydrophobic material layer exhibits an opening, of substantially

the same extension as the wetting region of the article, through which the hydrophilic layer is exposed as set forth in col. 3, lines 22 – 29. It would be obvious to one of ordinary skill in the art to apply the concept of Nishino to the device of Olsen in order to formulate an absorbent article with a higher absorbent capability.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 5,591,150).

Regarding claim 10, it has already been disclosed by the invention of Olsen that the material in the in the liquid-pervious surface layer is comprised of a hydrophobic material which may be rendered hydrophilic as set forth in col. 7, lines 52 – 60. It would then be obvious to one having ordinary skill in the art that the initial hydrophobic material would provide same results as hydrophilic material that is rendered hydrophobic since the two materials are functionally equivalent.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

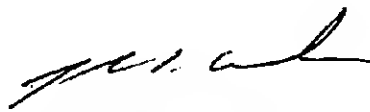
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele M. Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday thru Friday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Michele Kidwell  
August 28, 2000



John G. Weiss  
Supervisory Patent Examiner  
Group 3700